

REMARKS

This Amendment substantially incorporates the substance of a telephonic interview on January 13, 2009 (“the interview”) between the Examiner, Examiner Channavajjala, the undersigned, and Lindsay Heller, Attorney for the law firm of record. The undersigned wishes to thank the Examiner for her time spent preparing for and conducting the interview. The undersigned initiated the interview to discuss the Office action dated October 23, 2008. During the interview, the undersigned expressed his opinion regarding what he believed to be patentable subject matter, and provided some claim amendment suggestions. During the course of the interview, the Examiner and the undersigned agreed that claims written substantially as set forth above would be given favorable consideration by the Examiner, subject to an updated search.

In addition, the Office action was marked as being both final and non-final. Lindsay Heller spoke with the Examiner on November 4, 2008. The Examiner clarified that the action is non-final.

The abstract has been amended to correct a grammatical error and an error in translation.

Claim 1 has been amended. Claims 8-10 have been added. Claims 6-7 have been cancelled without prejudice. With entry of this Amendment, claims 1-5 and 8-10 will be pending.

Support for amended claim 1 can be found at least on pages 1, 2, 6, and 7 of the specification. Support for claim 8 can be found at least on page 7 of the specification. Support for claim 9 can be found at least on pages 1, 2, 6, and 7 of the specification. Support for claim 10 can be found at least on page 7 of the specification. No new matter has been added. The Applicant respectfully submits that the pending claims are in condition for allowance.

Claims 1, 3, and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,167,708 (“Wilhelm”) in view of U.S. Patent No. 4,572,739 (“Rasmussen”).

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilhelm in view of Rasmussen as applied to claims 1, 3, and 4, and further in view of U.S. Patent No. 6,410,470 (“Wallar”).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilhelm as evidenced by Rasmussen as applied to claims 1, 3, and 4, and further in view of U.S. Patent No. 4,456,486 (“Bernhard”).

Independent Claim 1 and Dependent Claims 2-5 and 8-9

Independent Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilhelm in view of Rasmussen.

Amended claim 1 recites: “A process for preparing a cosmetic pigmentary composition, said process comprising bringing into contact: (a) hydrated chromium oxide-based particles (p_0), with a chromium (VI) content between 20 and 1000 ppm of the total mass of said particles (p_0); and (b) an iron (II) compound, to prepare a cosmetic pigmentary composition comprising particles (p) with a chromium oxide base, in which the chromium present as chromium (VI) represents at most 5 ppm of the total mass of the particles (p).”

As discussed during the interview, Wilhelm and Rasmussen, taken separately or combined, do not teach or suggest, among other things, “[a] process for preparing a cosmetic pigmentary composition, said process comprising bringing into contact: (a) hydrated chromium oxide-based particles (p_0), with a chromium (VI) content between 20 and 1000 ppm of the total mass of said particles (p_0); and (b) an iron (II) compound, to prepare a cosmetic pigmentary composition comprising particles (p) with a chromium oxide base, in which the chromium present as chromium (VI) represents at most 5 ppm of the total mass of the particles (p).” In

contrast, Wilhelm states that pigments of the type disclosed in Wilhelm “are technically important for use in lacquers, plastics, enamels and ceramics.” Col. 1, lines 24-25. Wilhelm also states that the pigments may be used “for special purposes, e.g. in the field of plastics, lacquers and refractory materials. . . .” Col. 1, lines 29-30. Rasmussen discloses “a method and a plant for producing a dry cement composition which, when mixed with water, gives an immeasurable or low concentration of Cr^{+6} (in the following also called ‘chromate’) dissolved in water.” Col. 1, lines 7-11.

In view of the foregoing, and as agreed upon during the interview, independent claim 1 is allowable. Consideration and allowance of independent claim 1 are respectfully requested.

Claims 2-5 and 8 depend from allowable claim 1 and therefore are allowable. In addition, claims 2-5 and 8 may contain additionally patentable subject matter for reasons that may not be discussed herein. Allowance of these claims is respectfully requested.

Independent Claim 9 and Dependent Claim 10

Independent claim 9 is allowable because the prior art of record does not teach or suggest “[a] process for preparing a cosmetic, said process comprising: (a) preparing a pigmentary composition comprising particles (p) with a chromium oxide base, in which the chromium present as chromium (VI) represents at most 5 ppm of the total mass of the particles (p), by bringing into contact: (i) hydrated chromium oxide-based particles (p_0), with a chromium (VI) content between 20 and 1000 ppm of the total mass of said particles (p_0); and (ii) an iron (II) compound; and (b) preparing a cosmetic comprising the pigmentary composition.”

Consideration and allowance of independent claim 9 are respectfully requested.

Claim 10 depends from allowable claim 9 and therefore is allowable. In addition, claim 10 may contain additionally patentable subject matter for reasons that may not be discussed herein. Allowance of this claim is respectfully requested.

CONCLUSION

In view of the foregoing, allowance of the application is respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Respectfully submitted,

/gregory j. hartwig/

Gregory J. Hartwig
Reg. No. 46,761

Docket No. 085516-9005-00

Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
(414) 271-6560
X:\CLIENTB\085516\9005\A2971621.6